

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
SOUTHERN DIVISION

WAYNE BLACK,)	
)	
Plaintiff,)	
v.)	CASE NO. 1:03-cv-734-MEF
)	WO
LAMAR GLOVER, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #16) to the Recommendation of the Magistrate Judge (Doc. #15) filed on February 1, 2006 is OVERRULED;
2. The Recommendation of the Magistrate Judge (Doc. # 15) entered on January 18, 2006 is ADOPTED;
3. The plaintiff's claims for monetary damages against the defendants in their official capacities are DISMISSED as the defendants are entitled to absolute immunity from these claims.
4. The motion for summary judgment is GRANTED with respect to the fabricated citation and medical treatment claims.
5. The motion for summary judgment with respect to the plaintiff's claim that defendants Glover and Bowers acted with deliberate indifference to his safety in failing to

protect him from the use of excessive force is DENIED.

6. Defendant Turner is DISMISSED as a party to this cause of action.

7. The plaintiff's claim that defendant Glover and Bowers acted with deliberate indifference to his safety in failing to protect him from the use of excessive force will be set for trial.

DONE this 15th day of February, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE